

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jesse Randolph Modlin

Docket No. 5:13-CR-246-1FL

**Petition for Action on Probation**

COMES NOW Keith W. Lawrence, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jesse Randolph Modlin, who, upon an earlier plea of guilty to Driving While Impaired-Aggravated Level 1, in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1 and 179(f3), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on February 9, 2016, to a 48-month term of probation under the conditions adopted by the court. As a result of the defendant testing positive for cocaine on July 19, 2016, a Violation Report was forwarded to the court. On February 1, 2017, the court struck the remaining 21 days of intermittent confinement and placed the defendant on 30 days of curfew. On March 20, 2018, as a result of the defendant being charged with Larceny, a Violation Report was forwarded to the court. On June 25, 2018, as a result of the defendant being charged with Driving While License Revoked, Expired Registration, Fictitious/Altered Title/Registration Card/Tag, and No Liability Insurance, the court modified his conditions of probation to include 60 days of curfew. On August 7, 2018, as a result of multiple curfew violations, the court modified his conditions of probation to include an additional 30 days of curfew.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On August 2, 2018, the defendant submitted a urine specimen which tested positive for cocaine. When confronted with the results, the defendant signed an admission of drug use. As a sanction for this conduct and in an effort to deter future drug use, we would respectfully recommend that his supervision be modified to include an additional 60 days of curfew. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. The defendant has been referred to substance abuse treatment and we will monitor his drug use through the Surprise Urinalysis Program. Furthermore, we would respectfully recommend that the DROPS condition in this case be stricken so that we can more efficiently address illegal drug use.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for an additional period of 60 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
2. The DROPS condition in this case is hereby stricken as a condition of probation.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain


Michael C. Brittain  
Supervising U.S. Probation Officer

/s/ Keith W. Lawrence

Keith W. Lawrence  
Senior U.S. Probation Officer  
150 Rowan Street, Suite 110  
Fayetteville, NC 28301-4920  
Phone: 910-354-2538  
Executed On: August 16, 2018

**ORDER OF THE COURT**

Considered and ordered this 21st day of August, 2018, and ordered filed and made a part of the records in the above case.

  
Louise W. Flanagan  
U.S. District Judge